

REMARKS

This Amendment is in response to the Final Office Action mailed January 11, 2007. A terminal disclaimer is enclosed herein. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Allowable Subject Matter

Claims 55-56, 64-65 and 69 were objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form. Independent claims 48, 57 and 67 have been amended to include limitations of claims 55, 64 and 69, respectively. Claims 55, 64, 66 and 69 have been cancelled without prejudice and claims 56 and 65 have been amended to now depend on claims 48 and 57, respectively. Applicant respectfully submits that independent claims 48, 57 and 67 as well as those claims dependent thereon are in condition for allowance.

Claim Objections

Claim 46 was objected based on improper dependency. Applicant has corrected claim 46 to now depend on claim 37. Applicant respectfully requests that the Examiner withdraw the objection to claim 46.

Double Patenting

The Examiner rejects claim 37 under the judicially created doctrine of the obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 7, 12 and 15 of U.S. Patent No. 7,154,854. Applicant respectfully submits a terminal disclaimer to obviate the obviousness-type double patenting rejection. Applicant respectfully requests that the Examiner withdraw the obviousness-type double patenting rejection of claim 37.

The Examiner rejects claims 38-39 and 47 under the judicially created doctrine of the obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 7, 12 and 15 of U.S. Patent No. 7,154,854 in view of Fisher, et al. (U.S. Patent No. 5,889,772). As previously stated, Applicant respectfully submits the terminal disclaimer to obviate the obviousness-type double patenting rejection. Withdrawal of the obviousness-type double patenting rejection as applied to claims 38-39 and 47 is respectfully requested.

The Examiner further rejects claim 46 under the judicially created doctrine of the obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 7, 12 and 15 of U.S. Patent No. 5,889,772 in view of Bird (U.S. Patent No. 6,657,954). Applicant respectfully traverses the rejection because the '772 Patent is assigned to Advanced Micro Devices (AMD) and the '954 Patent is assigned to IBM. Neither of these assignees is the named assignee.

Applicant respectfully submits that the obviousness-type double patenting rejection as applied to claim 46 is in error and respectfully requests that the Examiner withdraw this rejection.

Rejection Under 35 U.S.C. § 112

Claims 40, 51 and 60 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses the rejection, but further discussion of the rejection is moot based on the cancellation of claims 40, 51 and 60 without prejudice.

Applicant respectfully requests that the Examiner withdraw the outstanding §112 rejection of claims 40, 51 and 60.

Rejection Under 35 U.S.C. § 103

Claims 48-50, 52-54, 57-59, 61-63 and 66-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fischer (U.S. Patent No. 5,889,772) in view of Sindhushayana (U.S. Patent No. 6,064,678). While Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established, Applicant believes that such arguments are moot based on the allowability of amended independent claims 48, 57 and 67. Applicant reserves the right to present such arguments if warranted.

Withdrawal of the outstanding §103(a) rejection is respectfully requested.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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